



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2019**

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.20549 of 2019

and

W.M.P. (MD) .Nos.17188 and 17189 of 2019

R.Sekar

... Petitioner

Vs.

1.State rep by Principal Secretary,
Municipal Administration & Water Supply
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.State rep by Principal Secretary,
School Department (Higher Secondary)
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

3.The District Collector,
Collectorate,
Sivagangai District.

4.The Tashildar,
Thiruppuvunam Taluk,
Sivagangai District.

5.The Special Officer/Executive Officer,
Thiruppuvunam Town Panchayat,
Sivagangai District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1, 3 to 5 herein to consider the representation dated 18.09.2019 and take appropriate steps to preserve and safe guard the public buildings such as library, Public Latrine for differently abled persons, Noon meal Kitchen, Government School Ground located in survey Number 16/14 Nelmudikarai Village Group, Thiruppuvunam Town Panchayat, Sivagangai District and the Government Girls Higher Secondary School building in Survey Number 16/17 in Nelmudikarai Village Group, Thiruppuvunam Town Panchayat, Sivagangai District.



For Petitioner : Mr.Meenakshi Sundaram
For Mr.D.Nallathambi
For R1 to R4 : Mr.A.Muthukaruppan
Additional Government Pleader
For R5 : Mr.K.Mu.Muthu
Additional Government Pleader

WEB COPY

ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

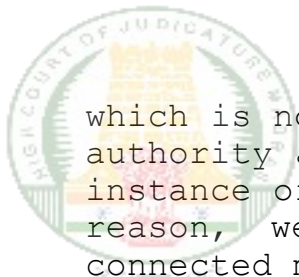
Heard Mr.V.Meenakshi Sundaram, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondent Nos.1 to 5 and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the fifth respondent.

2.By consent of either side, this writ petition is taken up for disposal.

3.The petitioner by way of this public interest litigation seeks for a direction to consider the petitioner's representation and to preserve and protect the public building located in Survey No.16/14 in Nelmudikarai Village Group, Thiruppuvunam Town Panchayat, Sivagangai District.

4.The petitioner states that he is a very important functionary of a political party and seeks to protect the public building located in the said land where there are Girls Higher Secondary School, Library, Public Latrine for differently abled persons, Noon meal kitchen etc. Admittedly, the area was a water body and public interest litigation was filed before this Court in W.P.(MD).No.4733 of 2019 not to use the water body for any other purpose and to take steps to renovate and clean the water body (Oorani). An interim order has been issued in the said writ petition and the authorities have commenced the work to implement the direction.

5.Now, the petitioner has come forward with this plea stating that the School building has developed cracks and the lab of the School has sunk. All these have happened only because the buildings have been constructed in a water body and if the authority had applied their mind at the first instance, now such complaints would not arise. The respondents have a duty to protect the water body and therefore, they have to implement the direction issued by this Court in the earlier writ petition in its letter and spirit. Therefore, we cannot pass any order contrary to the direction issued in the earlier writ petition. However, we may hear that while excavation of earth to form water body and to restore the Oorani, appropriate steps may be taken by the authorities to ensure the safety and stability of the building which are situated in and around the area



which is now being restored as a Oorani. We need the decision to the authority and we do not wish to issue any direction that too at the instance of the petitioner, who is a political functionary. For such reason, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Ns

To

- 1.The Principal Secretary,
Municipal Administrative & Water Supply
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Principal Secretary,
School Department (Higher Secondary)
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 3.The District Collector,
Collectorate,
Sivagangai District.
- 4.The Tashildar,
Thiruppuvunam Taluk,
Sivagangai District.
- 5.The Special Officer/Executive Officer,
Thiruppuvunum Town Panchayat,
Sivagangai District.

+1CC TO MR.D.NALLATHAMBI, Advocate Sr. No.89348
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 89407

W.P. (MD) .No.20549 of 2019

and

W.M.P. (MD) .Nos.17188 and 17189 of 2019

24.09.2019

SVN(CO)

TR(16.10.2019) 3P 8C